

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner.

Reconsideration and allowance are requested.

In the above amendments:

Claims 1 and 2 have been amended to particularly define and point out the subject matter of the invention. Antecedence for the amendment can be found in the original specification (particularly page 9) and the original drawings (particularly Fig. 2). As described and shown, the general pulley cords 5 and the pulley cords 15 connecting the hooks, work in conjunction. Pulley cord 16 refers to the pulley cord going to the heddle. For two adjacent sets of hooks 20a, 20b the connecting pulley cord 15 differs in length. The pulley cord 16 going to the heddle will in turn be longer for the first pulleys of the upper row than for the second pulleys of the lower row.

Claim 3 has been rewritten in independent form to include all of the limitations of base claim 2.

Applicant understands that claim 5, dependent on allowed claim 4, is also allowed.

No new matter has been added by the above amendments and by the present response.

Claim Rejections:

The Examiner has rejected Claims 1 and 6-8 under 35 U.S.C. 102(b) as being anticipated by Gheysen (U.S. Patent No. 5,353,846).

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable under 35 U.S.C. 103(a) over Gheysen in view of Derudder (U.S. Patent 5,139,052).

Claims 1, 2 and 6-8 are patentable under 35 U.S.C. 102(b) over Gheysen (U.S. Patent No. 5,353,846).

Claim 1

The claims of the present invention are not anticipated by Gheysen.

Applicant's invention as claimed in claim 1 comprises a shed forming device with two or more sets of hooks that are provided with complementary hooks, operating in conjunction with a pulley. The complementary hooks of one set of hooks operate in conjunction with one pulley. A number of first pulleys, of one or more sets of hooks, are provided continuously in an upper row. And, a number of second pulleys, of one or more second sets of hooks, are provided continuously in a lower row. The upper row of pulleys and the lower row of pulleys are constant. Those features are not found in Gheysen.

The Gheysen patent has pulleys that are associated with pairs of hooks. During the shed forming, a number of pulleys are lowered and a number of pulleys are raised, and form two layers of pulleys that are **not** continuously the same.

A prior art reference anticipates the subject of a claim only when the reference discloses every feature of the claimed invention, either explicitly or inherently (see Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984)).

In a normal working condition of a shedding mechanism, and more specifically in a jacquard, the pulleys are being moved up and down, depending on the selection which is defined by the weaving pattern. The present invention as claimed defines that a row, meaning a number of first pulleys, during normal working condition of the shed forming device, independent from

the selection of the hooks defined by the weaving patterns, are continuously moving up and down in a working zone that is continuously above the working zone of a number of second pulleys. This means that the first pulleys (of the upper "row" or working zone) have a bottom position that is always higher than the top position of the second pulleys (of the lower "row" or working zone). Gheysen does not describe, teach or inherently provide those claimed features.

Thus, since each and every limitation of Applicant's Claim 1 is not disclosed in the Gheysen patent, either expressly or through the principles of inherency, the rejection of Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Gheysen is improper, and should be withdrawn.

Claims 6, 7 and 8

Claim 6 depends from patentable Claim 1 and includes the further patentable limitation that the device is provided with single lifting elements in order to take along the sets of hooks on selection.

Claim 7 depends from patentable Claim 1 and includes the further patentable limitation that the device is used in a two- or more-position open shed Jacquard machine.

Claim 8 depends from patentable Claim 1 and includes the patentable limitation of a weaving machine comprising a shed forming device according to claim 1.

For these additional reasons, and for the reasons set forth regarding the rejection of Claim 1, the rejection of Claims 6, 7 and 8 under 35 U.S.C. 102(b) as being anticipated by Gheysen is improper, and should be withdrawn.

Claim 2 is patentable under 35 U.S.C. 103(a) over Gheysen (U.S. Patent No. 5,353,846) in view of Derudder (US 5,139,052).

Claim 2

Independent Claim 2 includes all of the limitations of Claim 1 and further includes the additional limitation that a first pulley and a second pulley, which each are connected with a complementary set of hooks, wherein both complementary hook sets are adjacent, will overlap one another, at least partly, when projected on a horizontal plane. Regarding Gheysen, the Examiner asserts that Gheysen illustrates (Fig. 3) complementary hooks (29, 30) that are adjacent which would function to ultimately result in the present invention.

Applicant does not agree. Fig. 3 of Gheysen clearly shows that hooks 29, 30 are horizontally separate and are **not** arranged so that they would overlap when projected on a horizontal plane. Gheysen does not teach this nor suggest this feature defined in claim 2.

Further, Claim 2 defines that the overlap and projection on the horizontal plane refers to an overlap and projection of pulleys 40a, 40b on a horizontal plane. This feature clearly cannot exist in the Gheysen patent, since the Gheysen pulleys that have to first be lowered and then be raised must pass each other and can, in no way, "overlap" their "projections" on a horizontal plane.

The examiner relies on Derudder as teaching the overlapping feature. However, neither Gheysen nor Derudder, either singly or in combination, describe, teach or suggest the claimed pulleys in Claim 2 disposed such that the first pulleys in the upper row remain in a bottom position that is always higher than the top position of the pulleys in the lower row.

For these additional reasons, and for the reasons set forth regarding the rejection of Claim 1, the rejection of Claim 2 under 35 U.S.C. 103(a) as being obvious over Gheysen in view of Derudder is also improper, and should be withdrawn.

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CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,



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